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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,308	01/17/2002	James Redding	32414.28	6786
7590 02/12/2004				
Fredrikson & Byron 1100 International Centre 900 Second Avenue South Minneapolis, MN 55402			EXAMINER PARADISO, JOHN ROGER	
			ART UNIT 3721	PAPER NUMBER

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

FEB 25 2004

TECHNOLOGY CENTER R3700

Office Action Summary	Application No.	Applicant(s)	
	09/913,308	REDDING, JAMES	
	Examiner	Art Unit	
	John R. Paradiso	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 12/2/1999. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Response to Amendments

2. In view of the amendments filed 11/24/2003, the objections to the claims and the rejections to the claims under 35 U.S.C. § 112 are hereby withdrawn.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, and 8-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over HALIC in view of LEWIS.

HALIC discloses a secure container (4) secured by a lock (11) and with an inlet (7) for accepting deposits of currency. The currency is moved through a passage to a validator (1) which validates and identifies the validity and type of currency, and from there the currency is moved to a removable container (2).

HALIC does not disclose the currency being moved by a gas stream.

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LEWIS discloses a device for packaging items in which the items are moved through a channel (20) by means of gas flow. The gas enters the channel by means of gas jets (36) that enter the channel at 45 degree angles. The item is then deposited in a bag (80) and the bag is sealed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the channel and gas flow of LEWIS in the invention of HALIC in order to reduce the opportunity for damage to the items in handling.

Note that claim 1 lines 9-10 recite “the removable package (7) is sealed in a tamper evident manner before the removable package (7) can be removed from the housing”. This is met by the removable container of HALIC, which fulfills the structural requirements of the apparatus claim. Note that the abovequoted section of claim 1 lines 9-10 do not provide any structural requirements for the tamper-evident seal and a broad reading of the claim fulfills the functional language of lines 9-10, since simple closing of a lid can be taken in a broad sense to be tamper-evident because the opening of the lid would provide evidence of tampering.

Note that claim 11 recites “the removable package .. is identifiable” and also the package “can be associated with the stored identification..”. These phrases do not limit the claimed subject matter in any way, since any item *can be* identified (somehow) and any two items *can be* put together (which would constitute association). There is no positive recitation of structure in the claim that would make give this functional language patentable weight.

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5. Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over HALIC in view of LEWIS and ARZUMAN ET AL.

The combination of LEWIS and HALIC, as described above, does not disclose the use of a heat-sealer to close the bag.

ARZUMAN ET AL discloses a packaging system in which articles are placed in a plastic bag (38) and the bag is heat-sealed by a heat-seal blade (155).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the heat-seal blade of ARZUMAN ET AL in the combination of LEWIS and HALIC in order to more permanently and securely close the bag before it is removed.

6. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over HALIC in view of LEWIS, as applied to claim 1 above, and further in view of McGUNN (US 5890439).

The combination of HALIC and LEWIS substantially disclose the claimed invention except for the provision of a time-delay lock that prevents access to the enclosure until a specified time period has elapsed after an attempt is made to open the enclosure.

McGUNN discloses an enclosure for safeguarding cash and valuables and is provided with a time-delay lock (86) “such that a code must be entered on keys 88 (FIG. 5), activating a timer, so that the safe cannot be opened until a certain time has passed to help deter robberies.” (Quoted from McGUNN column 3:33-36).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of HALIC and LEWIS with the time-delay lock taught by McGUNN in order to provide additional security in ensuring that only authorized personnel can access the money in the enclosure.

Response to Arguments

7. Applicant's arguments filed 11/24/2003 have been fully considered but they are not persuasive.

8. Applicant states on page 8 of his Response that "Applicant has carefully reviewed the Halic disclosure and can find no disclosure that bill stacker 2 is sealed in a tamper evident manner."

However, as explained above, the abovequoted section of claim 1 lines 9-10 do not provide any structural requirements for the tamper-evident seal and a broad reading of the claim fulfills the functional language of lines 9-10, since simple closing of a lid can be taken in a broad sense to be tamper-evident because the opening of the lid would provide evidence of tampering.

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9. Applicant states on page 9 of his Response that “Applicant’s invention as recited in claim 1, includes a removable package having a gas outlet through which gas entering the removable package can escape. In fact, Lewis teaches away from such a feature. More particularly, Lewis teaches, ‘it is an important object of the present invention to provide pneumatic packaging apparatus for loading material to be packaged in an associated container open only at one end’ “.

However, the ability for the gas in the teaching of LEWIS to move out of the container via an outlet is inherent in the invention, since if it did not exit through some outlet, the container would eventually explode. In the case of the combination of HALIC and LEWIS in the rejection above, the inlet serves also as the outlet, with the air flow serving to push the articles into the container, after which the excess air flows out the inlet, likely in non-planar air currents that allow the predominantly planar inlet air to continue to push the articles in the incoming direction.

10. Applicant states on page 10 of his Response that he traverses the use of Official Notice that the use of time-delay locks in cash storage mechanisms. A reference has been supplied and is explained in paragraph 6 above.

Reference Citations

11. The following prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure:

- FRIER discloses a safety deposit box for securing cash that utilizes a time-delay lock.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

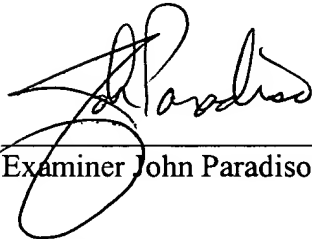
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (703) 308-2825



Rinaldi L. Rada
Supervisory Patent Examiner
Group 3700

February 5, 2004

Additional Phone Numbers:

Supervisor Rinaldi Rada: (703) 308-2187
TC 3700 Receptionist: (703) 308-1148
Customer Service: (703) 306-5648
Fax (directly to Examiner) (703) 746-3253
Fax (Official): (703) 872-9306

Notice of References Cited	Application/Control No. 09/913,308	Applicant(s)/Patent Under Reexamination REDDING, JAMES	
	Examiner John R. Paradiso	Art Unit 3721	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,890,439	04-1999	McGunn, Edward T.	109/47
	B	US-4,084,520	04-1978	Frier, David Lee	109/56
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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